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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 KEVIN SCHRUBB,

No C-10-1968 VRW (PR)

12 Petitioner,

13 v

ORDER OF TRANSFER

14 MATTHEW CATE, Warden,

15 Respondent.
16 _____/

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18 Petitioner seeks federal habeas review of a conviction
19 from the Superior Court of the State of California in and for the
20 County of Placer, which lies within the venue of the Eastern
21 District of California. See 28 USC § 84(b). Petitioner is
22 incarcerated at Salinas Valley State Prison, County of Monterey,
23 which lies within the venue of the Northern District of California.
24 Id § 84(a).


25 Venue in a habeas action is proper in either the district
26 of conviction or the district of confinement. See 28 USC § 2241(d).
27 Petitions challenging a conviction, however, preferably are heard in
28 the district of conviction. See Habeas LR 2254-3(a); Dannenberg v

1 Ingle, 831 F Supp 767 (ND Cal 1993).

2 Because the county of conviction, ie, Placer, lies in the
3 Eastern District of California, pursuant to 28 USC § 1406(a) and
4 Habeas Local Rule 2254-3(b)(1) and in the interest of justice the
5 court orders this petition TRANSFERRED to the United States District
6 Court for the Eastern District of California.

7 The clerk shall terminate all pending motions as moot,
8 close the file and transfer this matter to the United States
9 District Court for the Eastern District of California.

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11 IT IS SO ORDERED.

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15 VAUGHN R WALKER
16 United States District Chief Judge
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